

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
-v.-	:	PRELIMINARY ORDER OF
	:	FORFEITURE AS TO SPECIFIC
	:	<u>PROPERTY</u>
JOHN RE,	:	
	:	14 Cr. 550 (PKC)
Defendant.	:	
- - - - -	x	

WHEREAS, on or about August 18, 2014, JOHN RE (the "defendant"), was charged in a one-count Indictment, 14 Cr. 550 (PKC) (the "Indictment"), with wire fraud, in violation of 18 U.S.C. §§ 1343 and 2 (Count One);

WHEREAS, the Indictment included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property constituting, or derived from, proceeds obtained directly or indirectly as a result of the offense charged in Count One, including but not limited to a sum of United States currency representing the amount of proceeds obtained as a result of the offense charged in Count One of the Indictment;

WHEREAS, on or about December 1, 2014, the defendant pled guilty to Count One of the Indictment and admitted the forfeiture allegation, pursuant to a plea agreement with the

Government, wherein the defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit a sum of money equal to \$2,500,000 in United States currency, representing the amount of proceeds obtained directly or indirectly as a result of the offense charged in Count One;

WHEREAS, on or about December 1, 2014, the court entered a Post-Indictment Restraining Order, restraining the vessel known and described as the "Deep Quest," Unites States Coast Guard Identification Number 1186886, Hull Number USZ00080E606, which is alleged to constitute proceeds constituting or derived directly or indirectly from the offense charged in Count One of the Indictment (the "Specific Property");

WHEREAS, on or about December 1, 2014, the parties executed a Consent Preliminary Order of Forfeiture/Money Judgment, imposing a money judgment in the amount of \$2,500,000 in United States currency (the "Money Judgment");

WHEREAS, on or about May 12, 2015, the Court entered the Money Judgment in connection with the forfeiture penalty imposed as a part of the defendant's sentence; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6), of the

Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any person who reasonably appears to be a potential claimant of its interest therein;

1. All of the defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n). Upon the entry of a Final Order of Forfeiture as to the Specific Property the Specific Property, and any proceeds derived from the sale thereof, shall be applied in partial satisfaction of the Money Judgment.

2. Upon entry of this Preliminary Order of Forfeiture as to Specific Property, the United States Marshals Service (or its designee) is authorized to seize the Specific Property and hold the Specific Property in its secure, custody and control.

3. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least

thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture as to the Specific Property. Any person, other than the Defendant in this case, claiming an interest in the Specific Property must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title and interest in the Specific Property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. Pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture of the Specific Property in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all third-party interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

9. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Andrew C. Adams, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

SO ORDERED:

HONORABLE P. KEVIN CASTEL
UNITED STATES DISTRICT JUDGE

DATE